

REMARKS

After entering the above amendments, claims 1, 3-5, 7-12, 14, and 16-24 will be pending. Reconsideration and allowance of the current application are requested in light of the above-marked amendments and the foregoing remarks.

Summary of Rejections. The Office has rejected Claims 1, 3-5, 7-12, 14, and 16-22 under 35 U.S.C. §103(a) as being unpatentably obvious over U.S. Application No. 2002/0099936 to Kou *et al* (hereinafter referred to as “Kou”), in view of U.S. Application No. 2003/0061512 to Flurry *et al*. (“Flurry”), further in view of U.S. Patent No. 5,961,601 to Iyengar (“Iyengar”).

Summary of Amendments. With this amendment new claims 23 and 24 have been added. The new claims are fully supported by the original specification, at least at paragraphs [0035], [0040], and [0051]. No new matter has been added with this amendment.

Rejections under 35 U.S.C. §103(a)

Claims 1, 3-5, 7-12, 14, and 16-22 stand rejected under 35 U.S.C. §103(a) over Kou in view of Flurry and Iyengar. These rejections are respectfully traversed. As explained in greater detail below, Kou in view of Flurry and Iyengar does not describe or fairly suggest, *inter alia*, the ESID as recited in the respective independent claims.

For a proper rejection under 35 U.S.C. §103(a), the Office “bears the initial burden of factually supporting any *prima facie* conclusion of obviousness” and must therefore present “a clear articulation of the reason(s) why the claimed invention would have been obvious.” MPEP §2142. An obviousness rejection “cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” MPEP §2141 quoting *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1386, 1385 (2007). This rationale must include a showing that all of the claimed elements were known in the

prior art and that one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, to produce a combination yielding nothing more than predictable results to one of ordinary skill in the art. *KSR*, 82 USPQ2d at 1395. MPEP §2141.02 further notes that “a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). The rejection over Kou in view of Flurry and Iyengar fails to satisfy this burden with regards to the currently pending claims.

Kou is understood to describe secure session management and authentication between web sites and web clients. In particular, Kou discloses a session cookie for use when a web client requests access to non-secure pages and an authcode cookie when a web client requests access to secure pages. Both types of cookies are produced by the web server and stored at the client. See, for example, paragraphs [0016], [0018] and FIG. 1 of Kou.

Flurry is understood to describe a single sign-on mechanism to an application service provider aggregator service. Flurry describes an aggregator token, which is generated at the server and used for authentication at that server. See, for example, 420 in FIG. 4, 552 in FIG. 5B, paragraphs [0014], [0072], and [0084] of Flurry.

Applicants appreciate the Office's implicit agreement with these characterizations of Kou and Flurry. Specifically, the second paragraph on page 5 of the Office Action acknowledges that “the combination (*added for clarity: of Kou and Flurry*) does not explicitly teach the ESID being generated by a client machine.” Iyengar is proffered by the Examiner to allegedly cure this deficiency.

Iyengar is understood to describe preserving state information in a continuing conversation between a server and a client using stateless protocols such as HyperText Transfer Protocol

(HTTP). State information, per the Iyengar disclosure, can include a User-ID and Session-ID (see, e.g., Iyengar at column 13, lines 5-9). Notably, as explicitly described, for example at lines 32-43 of column 4 and lines 9-19 of column 8 in Iyengar, the session ID is produced at the server by a common gateway interface (CGI) program running on the server. Contrary to the Office's assertion, nowhere does Iyengar describe or fairly suggest the features of claim 1 relating to "creating a first instance of a session of the web application upon receipt at the application server of a first start uniform resource locator (URL), the first start URL comprising an external session identifier (ESID) that identifies the session of the web application, the first instance being created without preexisting state information if a previous session return state corresponding to the external session identifier has not been previously stored in a session memory of the application server, the ESID being originally generated by a client machine." Moreover, Kou and Flurry do not cure these deficiencies in Iyengar. Therefore, claim 1 is allowable over Kou, Flurry and Iyengar, as are all of the claims that depend therefrom.

The Examiner has asserted that the converter 416, in FIG. 7a of Iyengar produces a Session-ID, which is allegedly fairly construable as equivalent to or at least fairly suggestive of the instantly claimed external session ID. However, as discussed during the interview of January 26, 2011, the converter 416 does not actually generate a Session-ID but rather merely assembles a User-ID (which is passed from the client after entry by a user) and a Session-ID (which, as noted above, is generated by a CGI program on the server) as part of a "conversation." Referring to FIG. 7b, lines 34-36 of column 13 in Iyengar state that "the converter 416 embeds the user-ID and session-ID into the conversation." In other words, the function of the converter 416 is not to produce the Session-ID but rather to assemble the client-provided User-ID and the server-generated Session-ID and to embed them into the conversation in order to preserve state. Thus, regardless of whether the converter 416 is hosted at the server or at the client, it cannot be properly construed as describing or

fairly suggesting the instantly claimed external session identifier, which is explicitly generated at the client and received as part of a first start uniform resource locator at the application server.

Although of different scope, claims 12 and 18 recite features similar to claim 1 as described above including "the ESID being originally generated by the client." Even assuming *arguendo* that the cookie discussed in Kou and the token discussed in Flurry could be properly construed as equivalent to or suggestive of the instantly claimed ESID (and, as noted above, Applicants assert that they are not), neither Kou nor Flurry describes such features as generated by a client machine. Thus, for least these reasons, the proffered combination of Kou, Flurry, and Iyengar cannot form a proper *prima facie* basis for the alleged obviousness of claims 12 and 18 or the claims that depend therefrom.

In addition, Applicants note that Kou is not properly combinable with Iyengar at least because Kou teaches the use of a session cookie and an authcode cookie while Iyengar directly teaches away from the use of cookies, for example at column 13, lines 51-57 of column 13 in Iyengar:

Recall also that using "cookies" limits the range of URL's for which state is preserved. Using cookies further lacks the ability to correlate state information with specific conversations which may cause outdated state information to be provided a server. Lastly, cookies require the use of a specific browser and may require specialized and/or nonstandard features on the client or server.

As noted in MPEP §2143.01, if a proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). The Office must therefore present a clear rationale supporting the assertion that all of the claimed elements were known in the prior art and that one skilled in the art could have combined the elements as claimed by known methods with no change in their respective

functions, to produce a combination yielding nothing more than predictable results to one of ordinary skill in the art. *KSR*, 82 USPQ2d at 1395.

Accordingly, in light of the specific and explicit statements by Iyengar noting that cookies are not compatible with the features disclosed therein, one of ordinary skill in the art would have had no rational reason to have considered that Iyengar should or even could be combined with Kou as asserted in the pending rejections.

Further with regards to claim 22, Applicant's note that Kou cannot in any way be properly construed as describing or suggesting the instantly claimed features of providing a restored instance of a second session concurrently with the first session. Using the Kou approach of retaining state information in cookies, as soon as a subsequent session is initiated, the cookie retaining information of an earlier session is overwritten and therefore lost and unavailable for restoring that earlier suspended session. As such, contrary to the Office's assertions in the statement of rejection of claim 22, Kou is completely incapable of performing the explicit functions recited in claim 22.

New claims 23 and 24 recite additional features relating to a window ID that, when properly considered in relation to the features of the claims from which these new claims depend, are believed to further distinguish over the prior art. Prompt and favorable action is requested.

CONCLUSION

On the basis of the foregoing amendments, the pending claims are in condition for allowance. It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all of the pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper.

The Commissioner is hereby authorized to charge any additional claim fees and any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 34874-060 / SAP 2003P00056US01. If there are any questions regarding this reply, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

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